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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,882	05/31/2000	Yusaku Fujii	1460.1006	1929

21171 7590 09/02/2005

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EXAMINER

TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,882

Applicant(s)

FUJII ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's after-final amendment filed on 4/5/2005. Claims 7-15 have been cancelled. Claims 1-6 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 7/5/2005 has been considered by the Examiner.

Response to Arguments

3. Examiner thanks Applicant's prompt response for the authorization to amend the claims to avoid a U.S.C. 101 rejection over the telephone interview between the Examiner and Applicant's representative, Mr. J. Randall Beckers, on July 5, 2006 and July 6, 2005. However, in view of the newly submitted IDS, the previously indication of allowable subject matter has been withdrawn. Therefore, the Examiner's Amendment is deemed not necessary.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-4 claim cryptographical methods and equipments for encrypting and decrypting physical characteristic information. However,

the claimed limitations do not recite the method and the equipment are being implemented on computerized systems.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Soutar et al. (WO 98/48538), hereinafter Soutar.

In respect to claim 1, Soutar discloses a cryptographic method comprising: receiving physical characteristic information representing a characteristic inherent to an individual; randomly determining a numeric key; generating a cryptographic key from said numeric key and a predetermined primary key; encrypting said physical characteristic information using said cryptographic key; and generating an auxiliary code for decrypting said cryptographic key, from said encrypted physical characteristic information and said numeric key (e.g. Fig. 1, pages 11, lines 28-page 15, line 12).

In respect to claim 2, Soutar discloses a decryption method comprising: receiving encrypted physical characteristic information and an auxiliary code; restoring a numeric key from said received encrypted physical characteristic information and said auxiliary code; restoring cryptographic key from said numeric key and a predetermined primary key; and decrypting said encrypted physical characteristic information by using said

cryptographic key and obtaining physical characteristic information (e.g. page 11, line 28-page 15, line 12).

In respect to claim 3, Soutar discloses a cryptographic equipment, comprising: an inputting unit inputting physical characteristic information representing a characteristic inherent to an individual; a numeric key generating unit randomly determining numeric key; a key generating unit generating a cryptographic key from said numeric key and a predetermined primary key; an encrypting unit encrypting said physical characteristic information using said cryptographic key; and a code generating unit generating an auxiliary code from said encrypted physical characteristic information and said numeric key (e.g. Fig. 1, page 11, line 28-page 15, line 12).

In respect to claim 4, Soutar discloses a decryption equipment comprising: a receiving unit receiving an encrypted physical characteristic information and an auxiliary code; a numeric key restoring unit restoring a numeric key from said encrypted physical characteristic information and said auxiliary code; a key generating unit generating a cryptographic key from said numeric key and a predetermined primary key; and a decrypting unit decrypting said encrypted physical characteristic information by using said cryptographic key (e.g. page 11, line 28-page 15, line 12).

In respect to claim 5, Soutar discloses a storage media storing a program to read and be executed by a computer, comprising: an inputting procedure inputting physical characteristic information representing a characteristic inherent to an individual; a numeric key generating procedure randomly determining a numeric key; a key generating procedure generating a cryptographic key from said numeric key and a

predetermined primary key; an encrypting procedure encrypting said physical characteristic information using said cryptographic key; and a code generating procedure generating an auxiliary code from said encrypted physical characteristic information and said numeric key (e.g. Fig. 1, page 11, line 28-page 15, line 12).

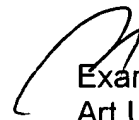
In respect to claim 6, Soutar discloses a storage media storing a program to read and be executed by a computer, comprising: a receiving procedure receiving a cryptogram including an encrypted physical characteristic information and an auxiliary code; a numeric key restoring procedure restoring a numeric key from said encrypted physical characteristic information and said auxiliary code; a key generating procedure generating a cryptographic key from said numeric key and a predetermined primary key; and a decrypting procedure decrypting said encrypted physical characteristic (e.g. page 11, line 28-page 15, line 12).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

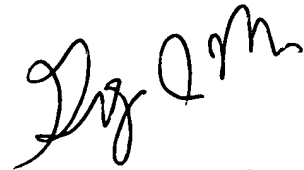
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Tongoc Tran
Art Unit: 2134

July 26, 2005



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100